

In the United States Patent and Trademark Office

Applicants: Bastian *et al.*

Serial No.: 09/536,736

Filing Date: March 28, 2000

For: **METHOD FOR ISOLATING AND
PURIFYING NUCLEIC ACIDS ON
SURFACES**

Confirmation No.: 5490

Examiner: Ketter, James

Art Unit: 1636

Attorney Docket No.: 00051-0012-001

REQUEST FOR REJOINDER

This is in response to the Office Communication mailed December 4, 2009.

Applicants wish to thank the Examiner for the indication that the application is in condition for allowance. Applicants also acknowledge the Examiner's request to cancel claims 6-8 and 56-57 which were withdrawn as being directed to a non-elected species.

The Applicants' undersigned representative initially left a voice mail for the Examiner on December 18, 2009 authorizing the cancelation of claims 6-8 and 56-57. However, upon further consideration, Applicants rescind the authorization herewith.

Applicants respectfully direct the Examiner's attention to MPEP 821.04(a) which states:

When *all* claims to the nonelected invention(s) depend from or otherwise require all the limitations of an allowable claim, applicant must be advised that claims drawn to the nonelected invention have been rejoined and the restriction requirement has been withdrawn. [emphasis in original]

Applicants respectfully point out that claims 6-8 and 56-57 depend from and thereby require all of the elements of allowable claim 1.

As such, Applicants request that claims 6-8 and 56-57 be rejoined and allowed.

The Examiner is invited to telephone the undersigned if would be helpful to resolving any issues.

It is believed no fees are due; however, the commissioner is authorized to charge any fees and credit any overpayments to Deposit Account No. 50-5071 which may be due.

Respectfully submitted,

Date: December 18, 2009

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